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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 15 2010

Application No. 09/886,659	
Title: METHOD AND APPARATUS FOR LOGICALLY EXPANDING THE LENGTH OF A SEARCH KEY	
Inventor: David A. Brown	Confirmation No. 4746
Filing Date: June 21, 2001	Examiner: Kristie D. Shingles
Attorney Docket No.: 42923/905	Group Art Unit: 2444

TRANSMITTAL LETTER
FOR RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

TO THE COMMISSIONER FOR PATENTS:

In response to the decision to dismiss the petition filed October 12, 2010, the Applicant hereby submits a renewed petition under 37 C.F.R. § 1.137(b). As noted in the decision to dismiss, no additional petition fee is required as a petition fee in the amount of \$1,620 was paid on October 12, 2010.

The decision to dismiss the petition noted that it is unclear whether PCT/CA2000/001444 or Chinese Patent Application No. 200810149123.6 triggered the 45-day period to timely notify the USPTO of the filing of an application in a foreign country, or under a multinational treaty, that requires publication of applications eighteen months after filing. The Applicant respectfully asserts that the initial filing of PCT/CA2000/001444, which was filed on December 8, 2000, and the initial filing of Chinese Patent Application No. 200810149123.6, which was filed on September 12, 2008, did not trigger the 45-day window under 35 U.S.C. § 122(b)(2)(B)(iii).

Rather, the Applicant is submitting this petition as a result of the voluntary claim amendment that was filed in Chinese Patent Application No. 200810149123.6 on December 16, 2009. As noted in the attached Statement of Facts, the voluntary claim amendment was filed to replace the claims pending in that Chinese application with claims that were substantially similar to claims 26-49 that were filed in U.S. App. No. 09/886,659 in the December 2, 2009 Amendment After Final. In other words, claims from U.S. App. No. 09/886,659, which was subject to a nonpublication request, were filed in Chinese Patent Application No. 200810149123.6 on December 16, 2009.

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It is unclear as to whether filing anything less than the entire application (*i.e.*, filing the claims instead of the specification, claims, and drawings) in an eighteen-month publication country triggers the 45-day window of section 122(b)(2)(B)(iii). The Applicant is submitting this petition because the voluntary amendment filed in Chinese Patent Application No. 200810149123.6 on December 16, 2009 may have caused the Chinese application to subsequently become the "subject of" and "directed to" the invention disclosed in U.S. App. No. 09/886,659, thus triggering the 45-day window of section 122(b)(2)(B)(iii), even though U.S. App. No. 09/886,659 itself was not filed in its entirety in China or another eighteen-month publication country (quoting 35 U.S.C. § 122(b)(2)(B)(iii)).

The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Respectfully submitted,

Satech Group A.B. Limited Liability Company

Date: 2010 Nov. 15

By: 

Matthew C. Phillips
Registration No. 43,403

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
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Attorney Docket No.: 42923/905

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Doc Code: PET.OP

Document Description: Petition for review by the Office of Petitions

PTO/SB/64a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))		Docket Number (Optional) 42923/805
First named inventor: <u>David A. Brown</u>		
Application No.: <u>09/886,659</u>	Art Unit: <u>2444</u>	
Filed: <u>June 21, 2001</u>	Examiner: <u>Kristle D. Shingles</u>	
Title: METHOD AND APPARATUS FOR LOGICALLY EXPANDING THE LENGTH OF A SEARCH KEY		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).		
PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)		
1. Petition fee <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,620</u> (37 CFR 1.17(m))		
2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c)) Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is <u>December 16, 2009</u> (See attached Statement of Facts).		

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64a (07-09)

Approved for use through 06/30/2012. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Matthew C. Phillips
Signature
Matthew C. Phillips
Type or Printed Name
900 SW Fifth Ave., Suite 2600
Address
Portland, OR 97204-1268
Address

2010 Nov. 15
Date
43,403
Registration Number, if applicable
(503) 224-3380
Telephone Number

Enclosures: ☐ Fee Payment☐ Additional sheets containing statements establishing unintentional delay☒ Other: Statement of Facts; Transmittal Letter For Renewed Petition Unders 37 CFR 1.137(b)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

11/15/2010
Date

Linda Stuwe
Signature
Linda Stuwe
Typed or printed name of person signing certificate

(Page 2 of 2)

NOV 15 2010

PTO/SB/36 (07-08)

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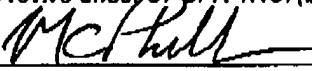
RESCISSION OF PREVIOUS NONPUBLICATION REQUEST (35 U.S.C. 122(b)(2)(B)(ii)) AND, IF APPLICABLE, NOTICE OF FOREIGN FILING (35 U.S.C. 122(b)(2)(B)(iii))	Application Number		09/886,659
	Filing Date		June 21, 2001
	First Named Inventor		David A. Brown
	Title	METHOD AND APPARATUS FOR LOGICAL	
	Atty Docket Number		42923/905
	Art Unit		2444
	Examiner		Kristie D. Shingles

Send completed form to:
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 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (571) 273-8300

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f). See also the attached Statement of Facts.

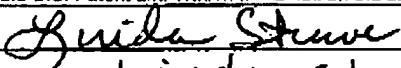
 Signature	2010 Nov. 15 Date
Matthew C. Phillips _____ Typed or printed name	43,403 _____ Registration Number, if applicable
(503) 224-3380 _____ Telephone Number	

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703)605-4283 or by e-mail at PGPub@USPTO.gov.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature 	
Name (Print/Type) <u>Linda Stuve</u>	Date <u>11/15/2010</u>

This collection of information is required by 37 CFR 1.213(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No. 09/886,659	
Title: METHOD AND APPARATUS FOR LOGICALLY EXPANDING THE LENGTH OF A SEARCH KEY	
Inventor: David A. Brown	Confirmation No. 4746
Filing Date: June 21, 2001	Examiner: Kristie D. Shingles
Attorney Docket No.: 42923/905	Group Art Unit: 2444

**STATEMENT OF FACTS FOR
RENEWED PETITION UNDER 37 C.F.R. § 1.137(b) AND (f)**

The Applicant submits the following Statement of Facts in support of its renewed petition under 37 C.F.R. § 1.137(b) and (f).

- (1) This application was filed on June 21, 2001 with a nonpublication request;
- (2) This application claims priority to U.S. Provisional Patent Application Nos. 60/212,966 (filed June 21, 2000), 60/258,436 (filed December 27, 2000), and 60/294,387 (filed May 30, 2001);
- (3) Chinese Patent Application No. 200810149123.6 was filed on September 12, 2008 as a divisional application of Chinese Patent Application No. 00818944.7, which is a national stage entry of International Patent Application No. PCT/CA2000/001444 (filed December 8, 2000), which, like this application, claims priority in part to U.S. Provisional Patent Application No. 60/212,966 (filed June 21, 2000), as well as U.S. Provisional Patent Application No. 60/170,232 (filed December 10, 1999);
- (4) A voluntary claim amendment was filed in Chinese Patent Application No. 200810149123.6 on December 16, 2009 to replace the claims pending in that application with claims that were substantially similar to claims 26-49 that were filed in the December 2, 2009 Amendment After Final in this application;
- (5) It is believed that the voluntary amendment that was filed in Chinese Patent Application No. 200810149123.6 may have triggered the 45-day window specified in 35 U.S.C. § 122(b)(2)(B)(iii) because the voluntary amendment may have caused the Chinese application to subsequently become the "subject of" and "directed to" the invention disclosed in this application even though this

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application itself was not filed in its entirety in China or another eighteen-month publication country (quoting 35 U.S.C. § 122(b)(2)(B)(iii));

- (6) Because the voluntary amendment that was filed in Chinese Patent Application No. 200810149123.6 may have triggered the 45-day window specified in 35 U.S.C. § 122(b)(2)(B)(iii), the Applicant is submitting the attached renewed petition under 37 C.F.R. § 1.137(b) and (f); and
- (7) The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Respectfully submitted,

SAtch Group A.B. Limited Liability Company

Date: 2010 Nov. 15

By: 

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Registration No. 43,403

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